

U.S. Fish and Wildlife Service

ENVIRONMENTAL ACTION STATEMENT

for

CATEGORICAL EXCLUSION

I. Project Information

A. Project name:

Green Diamond Resources Company (GDRCo or Green Diamond, formerly Simpson Timber Company) Habitat Conservation Plan (HCP) Amendment.

B. Affected species:

Table 1. Species or designated critical habitat that may be affected by the issuance of the amended ITP

(NLTAA” means that the proposed action “may affect, but is not likely to adversely affect” “LAA” means “may affect, is likely to adversely affect.” “NE” means no effect). “L” means “listed.” “D” means “Designated Critical Habitat.” “C” means “Candidate.” “SOC” means “Species of Concern.”

Species Listed as Threatened or critical habitat designated	Genus/species	Status	Effect	Covered in the ITP?
Bull trout	<i>Salvelinus confluentus</i>	L	NLTAA	yes
Bull trout critical habitat		D	NLTAA	no
Marbled murrelet	<i>Brachyramphus marmoratus</i>	L	LAA & Beneficial	yes
Marbled murrelet CH		D	NLTAA	no
Northern spotted owl	<i>Strix occidentalis caurina</i>	L	NLTAA	no
Northern spotted owl critical habitat		D	NLTAA	no
Candidate Species				

Fisher	<i>Martes pennant</i>	C	NLTAA	no
Headwater species associations				
Cope's giant salamander	<i>Dicamptodon copei</i>		NLTAA Beneficial	yes
Tailed frog	<i>Ascaphus truei</i>	SOC	NLTAA Beneficial	yes
Torrent salamander	<i>Rhyacotriton olympicus</i>		NE	yes
W. red-backed salamander	<i>Plethodon vehiculum</i>		NLTAA Beneficial	yes
Steep tributary species associations				
Cutthroat trout	<i>Oncorhynchus clarki clarki</i>	SOC	NLTAA	yes
Shorthead sculpin	<i>Cottus confusus</i>		NLTAA	yes
Van Dyke's salamander	<i>Plethodon vandykei</i>	SOC	NLTAA	yes
Flat tributary species associations				
Brook lamprey	<i>Cottus gulosus</i>		NLTAA	yes
Coast Range sculpin	<i>Cottus aleuticus</i>		NLTAA	yes
Reticulate sculpin	<i>Cottus perplexus</i>		NLTAA	yes
Riffle sculpin	<i>Rhinichthys osculus</i>		NLTAA	yes
Speckled dace	<i>Lampetra richardsoni</i>		NLTAA	yes
Mainstem species associations				
Dolly varden	<i>Salvelinus malma</i>		NLTAA	yes
Longnose dace	<i>Cottus rotheus</i>		NLTAA	yes
Pacific lamprey	<i>Rhinichthys cataractae</i>		NLTAA	yes
River lamprey	<i>Lampetra tridentatus</i>		NLTAA	yes
Torrent sculpin	<i>Lampetra ayresi</i>		NLTAA	yes
Western Toad	<i>Bufo boreas</i>	SOC	NLTAA	yes
Lentic Species Associations				
Long-toed salamander	<i>Ambystoma macrodactylum</i>		NLTAA Beneficial	yes
Northwestern salamander	<i>Ambystoma gracile</i>		NLTAA Beneficial	yes
Olympic mudminnow	<i>Novumbra hubbsi</i>		NE	yes
Prickly sculpin	<i>Cottus asper</i>		NLTAA Beneficial	yes
Red-legged frog	<i>Rana aurora</i>		NLTAA Beneficial	yes
Threespine stickleback	<i>Gasterosteus aculeatus</i>		NLTAA Beneficial	yes
Snag-dependent Species associations				
Black-capped chickadee	<i>Parus atricapillus</i>		NLTAA Beneficial	yes

Chestnut backed chickadee	<i>Parus rufescens</i>		NLTAA Beneficial	yes
Common merganser	<i>Mergus merganser</i>		NLTAA Beneficial	yes
Downy woodpecker	<i>Picoides pubescens</i>		NLTAA Beneficial	yes
Hairy woodpecker	<i>Picoides villosus</i>		NLTAA Beneficial	yes
Northern flicker	<i>Colaptes auratus</i>		NLTAA Beneficial	yes
Northern pigmy owl	<i>Glaucidium gnoma</i>		NLTAA Beneficial	yes
Northern saw-whet owl	<i>Aegolius acadicus</i>		NLTAA Beneficial	yes
Pileated woodpecker	<i>Dryocops pileatus</i>		NLTAA Beneficial	yes
Purple martin	<i>Progne subis</i>		NLTAA Beneficial	yes
Red-breasted sapsucker	<i>Sphyrapicus ruber</i>		NLTAA Beneficial	yes
Violet green swallow	<i>Tachycineta thalassina</i>		NLTAA Beneficial	yes
Tree swallow	<i>Tachycineta bicolor</i>		NLTAA Beneficial	yes
Western bluebird	<i>Sialia mexicana</i>		NLTAA Beneficial	yes
Western screech owl	<i>Otus kennicottii</i>		NLTAA Beneficial	yes
Wood duck	<i>Aix sponsa</i>		NLTAA Beneficial	yes
Species not listed or part of species association analyses				
Bald eagle	<i>Haliaeetus leucocephalus</i>	SOC	NLTAA	yes
Band-tailed pigeon	<i>Columba fasciata</i>		NLTAA Beneficial	yes
Harlequin duck	<i>Histrionicis histrionicus</i>		NE	yes
Roosevelt elk	<i>Cervus elaphus roosevelti</i>		NLTAA Beneficial	yes

Species occupation and baseline

Table 1 denotes the covered freshwater aquatic, amphibian, and terrestrial wildlife species. The covered aquatic species are either dependent on aquatic habitat or closely associated with the channel margins and riparian habitats for all or a portion of their life history. Terrestrial species included in the list are those commonly found in the forested environments of western Washington.

Covered species not included in Table 1 are those anadromous fish species with a saltwater life history stage under National Marine Fisheries Service (NMFS) jurisdiction. NMFS does not have listed species or Ecologically Significant Units (ESU) in the Added Lands so no reinitiation of Section 7 consultation was necessary. On January 10, 2012, NMFS approved Green Diamond's proposed modification and issued a categorical exclusion under the National Environmental Policy Act (NEPA) process (NMFS 2012).

C. Project size (in stream miles and acres):

The proposed amendment would add to the permit approximately 53,000 acres and 854 stream miles for a total of approximately 319,000 acres and 2,575 stream miles on GDRCo lands to be managed according to their HCP. Any additional lands that may be acquired by GDRCo within the Chehalis and Willapa basins during the term of the license may be added to the HCP according to the process outlined in the amended IA. The area of the Chehalis (~1.7 million acres) and Willapa (166,000 acres) basins totals ~2,920 mi² (~1.87 million acres) which includes part of the original HCP boundary and the proposed expansion area, also called the amended assessment area. The new HCP boundary would include lands in Mason, Grays Harbor, Lewis, Pacific, and Thurston Counties in the State of Washington.

D. Brief project description including minimization and mitigation plans:

The Simpson Habitat Conservation Plan (HCP) was approved in 2000. In 2002, Simpson Timber Company contributed its timberland assets to Simpson Resource Company which assumed all of the rights and obligations of Simpson Timber Company under the HCP. In 2004, the name of Simpson Resource Company was changed to Green Diamond Resource Company. Since 2000 the company has purchased additional lands in southwestern Washington that are outside of their current HCP boundary (Wing 2011). These lands are currently being managed under the Washington State Forest Practices Rules and the Forest Practices HCP. GDRCo has submitted a proposal to amend the HCP and IA (Wing 2011) to include these lands and change the HCP assessment area.

The covered activities would continue to be timber harvesting and related land management activities, and the duration requested for the amended permit is concurrent with the HCP term expiring on October 13, 2050. Likewise the amendment does not propose any changes to the suite of covered species (see Table 1); species goals, objectives, and monitoring activities would remain the same as described in the original HCP. Proposed changes to the HCP include adding more lands currently owned by GDRCo; increasing the size of the assessment area and HCP

boundary around lands eligible for inclusion under the HCP in the future; and changes to select habitat prescriptions which also serve as minimization measures. There are some proposed changes to the HCP and to the associated implementation agreement. All private forestlands in Washington State, including the Added Lands, are managed under the state's Forest Practices (FP) Rules and Forest Practices HCP (FP HCP). The amendment would, in effect, transfer management of these lands from the FP rules and FP HCP to the Green Diamond HCP. The proposed changes are described below.

1. Proposed changes to the HCP

a. Amended Assessment Area and Added Lands

GDRCo has submitted a proposal to expand the boundaries of their HCP to cover the majority of their current ownership in Washington State and to allow for a larger area of potential future land acquisitions. The amendment represents a 20% and 50% increase in covered GDRCo acres and stream miles respectively and would more than double the size of the HCP assessment area and boundary within which GDRCo could potentially add future acquisitions to the permit. The term Added Lands as used in the proposed amendment refers to the 53,000 acres that would be immediately added to the permit and managed according to the amended HCP as well as any future land additions within the expanded HCP assessment area.

The Added Lands are currently managed under the Washington State Forest Practice Rules (Title 222 WAC). If the proposed GDRCo HCP amendment is approved, some aspects of the management of the Added Lands and any future land additions would change to reflect the amended GDRCo HCP. For example, under WAC 222-10-40 and WAC 222-16-080(6), species-specific State Environmental Policy Act (SEPA) policies for threatened and endangered (T&E) species do not apply to forest practices that are covered by an approved habitat conservation plan as long as the document has received environmental review with an opportunity for public comment under the National Environmental Policy Act (NEPA). If approved, the amended GDRCo HCP, like the original HCP, would qualify as such a plan. Currently there are two T&E species with species-specific SEPA policies. They are northern spotted owls (WAC 222-10-41) and marbled murrelets (WAC 222-10-42). Since marbled murrelets are covered by the original and amended GDRCo HCP, they would be managed according to the HCP rather than according to WAC 222-10-42. Northern spotted owls however, are not covered by the original or amended GDRCo HCP, and therefore management of that species and its habitat would continue to be guided by applicable Washington State Forest Practice Rules as well as the federal ESA.

b. Supplemental Wildlife Tree Conservation Program

Under section 5.2.2 Supplemental Wildlife Tree Conservation Program, item (d) would be changed, deleting the words "or stumps " to read: "*Prohibit the salvage of any residual 'old growth' downed wood throughout the entire Plan Area.*"

c. Hydrologic Maturity (in Rain on Snow Zones)

Under section 5.2.6 Hydrologic Maturity, the forest cover prescriptions for rain on snow (ROS) zones within the Added Lands will be modified from the original HCP requirements that reflect the South Fork Skokomish Watershed Analysis relevant to the original HCP area (Simpson 2000, pg. 54):

≤25% of the drainage area will have hydrologically immature cover (≤10% canopy cover) and
≥50% of the drainage area will have hydrologically mature cover (>70% canopy cover)

to reflect the Chehalis Headwaters Watershed Analysis Prescriptions that are more appropriate for the Added Lands (Wing 2011):

≤40% of the drainage area will have hydrologically immature cover (≤10% canopy cover) and
≥40% of the drainage area will have hydrologically mature cover (>70% canopy cover)

d. Marbled Murrelet

Under section 5.3.1 Marbled Murrelet, the following management prescriptions for marbled murrelet habitat would apply.

For GDRCo lands currently covered by the HCP:

(1) There will be no harvest in Designated Murrelet Habitat which currently consists of 6 patches totaling 188 acres (See Wing 2011, HCP Figure 2 and IA Exhibit E).

(2) A 300-foot managed buffer (approximately 405 acres) will be established to encompass the Designated Murrelet Habitat (See 6). Thinning is allowed within the 300-foot buffer with the objective of increasing "wind firmness" as well as providing structure; and the prescription retains 75 trees per acre with 12 inches diameter-at-breast-height ("dbh") or greater, including 5 trees greater than 20 inches in dbh, where they exist.

(3) Established Riparian Conservation Reserves (RCR) will be managed for developing late seral conditions. These RCRs cover 17% of the Plan Area and are expected to grow into suitable forest conditions to support murrelets during the term of the permit. No buffer areas will be established for murrelets outside of the RCR given the large extent of contiguous forest within the riparian areas.

(4) Avoid disturbance to murrelets by limiting management activity within the 300 foot

buffer areas to periods outside of the nesting season (April 1-Sept. 15). These restrictions do not apply to traffic on mainline roads that intersect Murrelet Management Areas.

For GDRCo Added Lands:

(5) GDRCo will evaluate the forest conditions using a combination of inventory data, field Review, and remote sensing; and

(6) Areas that are ≥ 5 acres in size, and characterized by large trees, a multistoried stand, a moderate to high canopy closure, and the trees within the area contain at least one platform per acre over the 5 acres (defined as flat surfaces 10 cm wide and 10 m high in the live crown of a coniferous tree with vertical and horizontal cover and substrate such as moss and lichen) will be delineated as Designated Murrelet Habitat, and a 300- foot managed buffer will be assigned and disturbance distance criteria observed for the duration of the permit.

2. Proposed Changes to the Implementation Agreement (IA)

a. Changed the name from Simpson Timber Company to Green Diamond Resource Company throughout the IA, where appropriate.

b. Update Text and Exhibit A to reflect the proposed expanded HCP assessment area around lands eligible for inclusion under the HCP

c. Add a new Severability and Savings section to the IA as follows:

15.13 Severability and Savings. If any provision of this Agreement or the HCP is found invalid or unenforceable by a federal court, such provision shall be enforced to the maximum extent possible and the other provisions shall remain in effect to the extent they can be reasonably applied in the absence of such invalid or unenforceable provisions and/or until such a finding is corrected by the Services on remand from the federal court for further action by the Services in accordance with federal law. If any decision by the Services to approve an amendment to this Agreement or the HCP is found invalid or unenforceable by a federal court and such a decision is enjoined or fully reversed and vacated, then the Services and Green Diamond shall resume implementation of the HCP under the Agreement and HCP in effect immediately prior to the effective date of the Services' approval of amendments to the HCP and Agreement that have been invalidated or enjoined.

d. Add Exhibit E. Designated and Occupied Marbled Murrelet Habitat to complement the amended marbled murrelet habitat prescription

II. Does the HCP amendment fit the following low-effect criteria? *The answer must be "yes" to all three questions below for a positive determination. Each response should include an explanation.*

A. Are the effects of the HCP amendment minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of

the minimization and mitigation measures?

Yes. There are two listed species covered under the HCP, marbled murrelets and bull trout. These are addressed below. One additional listed species, northern spotted owls, that is not covered by the HCP, is addressed in sec. III H.

Marbled Murrelets:

The FP rules (WAC 222-10-042) emphasize protection of occupied marbled murrelet habitat through surveys and the Washington State Environmental Protection Act (SEPA) review process. Private landowners planning to conduct timber harvest in areas with a high probability of marbled murrelet occurrence are required to do surveys; without the surveys, a higher level of SEPA review is triggered. The original HCP protects occupied marbled murrelet habitat from harvest in manner similar to the FP rules. On the Added Lands, the Forest Practices Rules similarly emphasize protection of occupied murrelet habitat and unsurveyed habitat in patches larger than 7 acres. In marbled murrelet detection areas and the marbled murrelet special landscape, patches larger than 5 acres are protected from harvest. Criteria for identifying suitable habitat is based on guidelines set by the Pacific Seabird Group (PSG) in 1996.

Marbled murrelet detection areas are associated with visual or audible detections of marbled murrelets documented and recorded in the Washington Department of Fish and Wildlife data base. A marbled murrelet detection area is comprised of the section of land in which the detection was made and the eight sections of land immediately adjacent to that section (WAC-222-16-08). The marbled murrelet special landscape is delineated by a map in the FP rules and establishes thresholds for required surveys. Within detection areas, habitat with ≥ 2 platforms/acre must be surveyed (WAC 222-10-042). If no detections are made, harvesting can proceed. Outside detection areas, sites with ≥ 7 platforms/acre (or > 5 platforms per acre in the marbled murrelet special landscape) must be surveyed. If no detections are made, harvesting may proceed.

The amendment protects murrelet habitat in patches ≥ 5 acres, whether inside or outside of a detection area or marbled murrelet special landscape, and whether murrelets have been detected or not. Habitat is identified using more current and more stringent criteria set by the PSG in 2011 (e.g., platforms are now defined as at least 10 cm wide and only one platform per acre is required to meet the definition of “suitable habitat”). Under the FP rules, platforms are defined as at least 7” in diameter and 2 to 7 platforms are required to meet the definition of “suitable”. Under the amendment, it is possible that small patches of habitat < 5 acres could be removed, however under existing conditions patches < 7 acres can be removed. Harvest within 300’ of suitable habitat in the RCRs or adjacent ownerships could degrade the habitat due to wind exposure, however this can also occur presently under FP rules. The amendment will not result in any increased effects to marbled murrelets and is expected to result in additional habitat protected from harvest than under current conditions because of the \geq five acre delineation. Under the amendment, occupied murrelet habitat would also be protected.

Bull trout:

The Added Lands are currently managed under the FP rules and FP HCP. The FP HCP, like the GDRCo HCP, covers incidental take of bull trout. The prescriptions for bull trout and other aquatic species are very similar. Bull trout are only occasionally found in the Added Lands or areas within the amended assessment area and are thought to originate from coastal drainages to the north and use Grays Harbor and the Chehalis River for foraging, migration, and overwintering. Spawning is not known to occur in the Added Lands or amended assessment area. Given the low likelihood of bull trout occurrence, the similarity of forest management activities and effects, and the similarity of HCP prescriptions, we anticipate that effects of the amendment, i.e., changing from one set of HCP prescriptions to another, on bull trout would be negligible to slightly beneficial.

B. Are the effects of the HCP amendment minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures?

Yes. Effects on air quality can occur from grading and driving on dirt roads. These are considered negligible because the level of grading and or driving on dirt roads is not expected to increase with the amendment.

Yes. Effects on geology and soils can occur from construction and maintenance of forest roads. These effects are considered negligible because the number of road miles needing to be constructed or maintained is not expected to increase with the amendment.

Yes. Effects on water quantity and quality can occur from erosion and stormwater runoff from use and maintenance of existing roads and timber harvest. These effects are considered negligible because road miles and existing BMPs for maintenance will not change with the amendment. Loss of shade due to riparian thinning can result in increased stream temperatures. These effects are also considered negligible under the amendment, because shade targets have been monitored and met under the original HCP and this practice will continue under the amendment. The amendment will establish riparian leave areas in headwater streams, which are not currently protected from harvest under the FP rules. Under the amendment, the riparian leave areas will total 9,027 acres on the Added Lands, compared to 8,409 acres under the FP rules. The additional riparian leave acreage incorporated as part of the amendment, will better protect headwater streams from stormwater runoff and erosion due to timber harvest and road management than under existing conditions.

Yes. Socioeconomic effects were evaluated in the original HCP though annual harvestable acres, relative economic effect to the company, and relative employment effect to the community. Timber management under one set of HCP management prescriptions instead of two, which is the case currently, may have some slight economic benefit to the company due to

increased efficiency of operations and planning, but any change will be minor.

Yes. Because no change will occur in on-the-ground activities, the amendment will have no effect on visual resources and cultural resources. Recreation is currently limited and controlled by the landowner, and this would not change with the amendment.

Yes. The amendment is anticipated to have either no effect, insignificant effects, or beneficial effects on all of the unlisted species, candidate species, and designated critical habitats summarized in Table 1, as described below.

Although forest management activities may affect aquatic organisms by altering the character, amount and timing of wood recruitment, water flows and sediment contributions to streams, these effects are avoided and minimized by very similar riparian buffer prescriptions in both the FP rules and FP HCP and the GDRCo HCP. For species grouped under the steep tributary, flat tributary, and mainstem associations in Table 1, the effects of issuing the amendment, and allowing this transfer from the FP rules and FP HCP to the GDRCo HCP, would therefore be negligible.

Forest management activities may also affect amphibians in headwater areas, species dependent upon wetlands and snags through inadequate buffers, harvesting in forested wetlands and removal of leave trees that could become snags over time. All of these effects may be occurring under the FP rules, as they do not provide riparian buffers in headwater areas, allow harvesting of forested wetlands. Compared to the FP rules, the GDRCo HCP will protect 618 acres of riparian leave areas and 317 acres of forested wetlands and buffers that would be harvested under the FP rules. Based on the landform-based riparian conservation areas, long term snag recruitment possibilities, higher level of leave trees and supplemental wildlife tree program in the GDRCo HCP, we expect snag-dependent species to benefit from the amendment. In summary, the amendment allowing transfer from the FP rules to the GDRCo HCP would benefit the species in the headwater, lentic, and snag dependent associations listed in Table 1.

The amendment is consistent with the goal of maintaining stable or increasing breeding populations of bald eagles. The GDRCo HCP prescriptions for bald eagles are consistent with Federal guidelines for protecting nest, important foraging, and roost sites, and GDRCo will apply those protections to any of these resources discovered during the planning of harvest units. Yearly monitoring reports will summarize any occurrence of bald eagle nesting, roosting or important foraging sites and how prescriptions were implemented on harvest units for their protection. Because of the conservation measures embedded in the RCRs and the avoidance measures in the bald eagle prescriptions, the Green Diamond HCP poses a low risk to bald eagles. Over the course of the HCP, we are estimating that two occurrences of disturbance to a nesting pair of bald eagles could occur. The Service may review the yearly reports to evaluate whether prescriptions need to be updated to remain compliant with the Bald and Golden Eagle Protection Act.

C. Would the impacts of this HCP amendment, considered together with the impacts of

other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?

Yes. The amendment will not have significant cumulative effects to environmental values or resources in the future. The forest management activities occurring now under the FP rules and FP HCP on the Added Lands will not change significantly with the amendment. We expect that the implementation of this HCP amendment, with the increased acreage of riparian leave areas and forested wetlands will have a slightly positive effect across the landscape on environmental values and resources over time.

III. Do any of the exceptions to categorical exclusions apply to this HCP amendment? (Form 516 DM 2.3, Appendix 2) *If the answer is “yes” to any of the questions below, the project cannot be categorically excluded from NEPA. Each “no” response should include an explanation.*

Would implementation of the HCP amendment:

A. Have significant adverse effects on public health or safety?

No. The covered activities are conducted for the purposes of ongoing forest management and associated improvement of habitat conditions for covered species, and the amendment will not change these activities. The forestry activities on the Added Lands are conducted using established techniques that are unlikely to result in any health or safety effects, and therefore we anticipate no effect of transferring management of the Added Lands from one HCP to another.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. The amendment will not increase the level of forest management activities or road construction or maintenance, and therefore will not increase effects to any of these areas. GDRCo had an archeologist conduct a review of cultural and historical resources on all GDRCo ownership within the last year and no such resources were identified on the Added Lands. Land within the amended HCP assessment area (potential acquisition area) that are not currently owned by GDRCo have not been reviewed for cultural resources so it is unknown if they contain historic properties. The largely voluntary WA Forest Practices Rules relative to cultural resources protection however would apply equally either with the amendment or without, and therefore no changes are expected as a result of implementing the HCP amendment.

C. Have highly controversial environmental effects?

No. The covered activities are consistent with sound forest management practices developed with the assistance of stakeholders. These prescriptions are currently implemented in the existing GDRCo HCP area. Stakeholders on the Scientific Advisory Team have been notified of the amendment and were provided an opportunity to comment. Stakeholder agencies on the SAT have indicated that they either support or would not oppose approval of this expansion.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. The amendment will not change on-the-ground activities, and therefore effects and risks of project activities relative to uncertain or potentially significant environmental effects or unique or unknown environmental risks would not increase.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions would be reviewed on their own merits. The GDRCo HCP project activities have negligible or slightly positive impacts when compared to the current regulatory structure (WA Standard Forest Practices). The amendment will protect 188 acres of marbled murrelet suitable habitat and designate about 405 acres of associated buffer for special management. These acres could be harvested under the FP rules. The amendment will also restrict harvest on 618 acres of riparian leave areas and 317 acres of forested wetlands and their buffers that could be removed under the FP rules. The GDRCo protects 17% of the land base in Riparian Conservation Reserves, compared to 15% of the land base protected in Riparian Management Zones as required under the FP rules. The issuance of the permit or restructuring of the IA would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. The methods and practices used to implement the GDRCo HCP on the Added Lands are standard and routine, and have been successfully implemented for the last 10 years on the current HCP area. There will likely be a net positive cumulative impact if similar actions are implemented in other areas when compared to the current management scenario (i.e. Standard Forest Practices).

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. There are no properties listed or eligible for listing on the National Register of Historic Places within the Added Lands to be covered by the HCP amendment. This determination was based on a 2010 assessment of 15 cultural resource surveys done on GDRCo ownership on file

with the Washington State Department of Archaeology and Historic Preservation. GDRCo is committed to avoiding impacts to these sites as well as any cultural, historical, or archeological sites that may be identified on their ownership in the future.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species? *Consider the degree or amount of take and the impact of the take on the species. Although take may occur under project implementation, it may be so minor as to result in negligible effects. The same concept applies when considering effects to critical habitat. See section IIA. for additional information on bull trout and marbled murrelets.*

Bull trout critical habitat

No. Bull trout critical habitat on HCP lands with an incidental take permit for bull trout was excluded from designation at the time of the Final Rule (75 FR 63898). All private timberlands in Washington State, including GDRCo ownership, are excluded from designation because the FP HCP covering many activities under the FP rules, include an incidental take permit for bull trout. Because bull trout critical habitat is excluded from designation under both current conditions and conditions under the amendment, the amendment would have no effect on designated bull trout critical habitat.

Marbled murrelet critical habitat

No. Marbled murrelet critical habitat has not been designated on or adjacent to the Added Lands. A single section (one square mile) of marbled murrelet critical habitat has been designated on the Gifford Pinchot National Forest in the extreme eastern portion of the amended assessment area. The larger area is within the Mineral Spotted Owl Special Emphasis Area (SOSEA), and private lands within the SOSEA have some regulatory encumbrances on harvesting. In addition, access to many of these areas can be challenging. According to the company, it is unlikely that GDRCo would purchase land in this area based on the difficulty of conducting profitable timber harvest and because of the encumbrances on private land here. If adjacent land were to be purchased and harvested, critical habitat within 300' of the border of GDRCo could be degraded by windthrow. Because of the low likelihood that GDRCo would purchase land in this area for inclusion in the HCP, the potential for affecting marbled murrelet critical habitat is very low.

Northern spotted owl

No. The Added Lands have no spotted owl site centers. GDRCo has managed the Added Lands under a harvest rotation of 40-50 years, and the forests are in younger age classes and unlikely to have developed suitable habitat features. Management of spotted owls and its habitat on private lands is currently guided by applicable Washington State Forest Practice Rules as well as the federal ESA, and the amendment would not alter this situation. Because activities would not change, and the regulatory structure would remain the same, the amendment will not increase adverse effects on spotted owls.

The amended assessment area contains two active spotted owl site centers, however recent surveys have not detected owls at these locations. Spotted owl habitat outside of SOSEA boundaries is not protected under FP rules, and most of the amended assessment area, which is outside the SOSEAs, contains little suitable habitat that could support nesting, roosting, foraging, or dispersing spotted owls. Any lands that GDRCo might purchase in the future would likely be in younger age classes of up to a 50 year rotation and unlikely to have developed habitat features. The amendment would not increase effects on spotted owl habitat.

The landscape within the Amended Assessment Area has a low likelihood of supporting territorial pairs of spotted owls. The younger age class forests within the GDRCo plantations and other private ownerships are also unlikely to develop into dispersal habitat over the period of harvest rotation. However, we expect that older forests and late seral structure may develop in the riparian, wetland, marbled murrelet and steep slope conservation areas under the amendment, which could provide dispersal habitat. These conservation areas consist of approximately 19% of the ownership, which is slightly higher than the estimated 15% of private timber ownership required for riparian protection under the FP rules. Riparian thinning is expected to hasten development of late seral forest structure in these conservation areas which could also eventually benefit spotted owl prey.

Northern spotted owl critical habitat

No. Spotted owl critical habitat has been designated on, or adjacent to, the Added Lands. A single section of spotted owl critical habitat has been designated on the Gifford Pinchot National Forest in the extreme eastern portion of the amended assessment area. The area is within the Mineral Spotted Owl Special Emphasis Area (SOSEA), and contains regulatory encumbrances on private timber ownership. In addition, access to many of these areas can be challenging. According to the company, it is unlikely that GDRCo would purchase land in this area based on the difficulty of conducting profitable timber harvest and because of the encumbrances on private land here. If adjacent land were to be purchased and harvested, critical habitat within 300' of the border of GDRCo could be degraded by windthrow. Based on the low likelihood of land purchase in this area, there is a low likelihood of affecting spotted owl critical habitat.

I. Have adverse effects on wetlands, floodplains or would be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. Both the GDRCo HCP and the FP HCP establish buffers on open water wetlands where harvest is not allowed. The FP HCP allows harvest in forested wetlands while the GDRCo HCP restricts harvest in these areas. Approval of the amendment to the GDRCo HCP will protect 223 acres of forested wetlands in the Added Lands that could be harvested under the FP rules and HCP, therefore issuance of the amendment would have a positive effect on wetlands. This is not considered a water development project.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. Implementation of the HCP amendment must be in full compliance with all other laws and regulations to be valid. The proposed amendment does not take place on tribal land.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Amendment of the Habitat Conservation Plan (HCP) for Green Diamond qualifies for a categorical exclusion as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

References

Simpson 2000. Simpson Timber Company Northwest Operations Habitat Conservation Plan. Prepared July 2000, Shelton, WA. 135 pp.

USFWS. 2006. Biological opinion for the issuance of a Section 10(a)(1)(B) incidental take permit to the State of Washington for the forest practices habitat conservation plan(FWS Reference: 1-3-06-FWI-0301). Prepared by the Washington Fish and Wildlife Office May 16, 2006, Lacey, WA. 984 pp.

USFWS (U.S. Fish and Wildlife Service). 2000. Biological and conference opinions for the issuance of an incidental take permit to Simpson Timber Company, Northwest Operations, for Simpson Washington Timberlands Habitat Conservation Plan, in Mason, Grays Harbor, and Thurston Counties, Washington (FWS Ref: 1-3-00-FWF-2098). 161 pp.

USFWS. 2012. DRAFT Biological assessment for the Green Diamond Resource Company HCP Amendment. Prepared by the Washington Fish and Wildlife Office August 22, 2012, Lacey WA. 59 pp.

USFWS and NMFS 2000. Final environmental impact statement for the proposed issuing of a multiple species incidental take permit on Simpson Washington Timberlands. Prepared for the USFWS and NMFS by Resources Northwest Consultants, Kirkland, WA. 316 pp.

Wing, P. 2011. Green Diamond Resource Company, Shelton, Washington. Letter to Steve Landino, National Marine Fisheries Service and Ken Berg, U.S. Fish and Wildlife Service, Lacey, Washington and . attached proposals for amending the Simpson HCP and Implementation Agreement. October 26, 2011.

Concurrence:

Assistant Field Supervisor

Date

Field Supervisor

Date